

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LIBERTY MUTUAL FIRE
INSURANCE COMPANY,

Plaintiff,

v.

RED ROOF INNS, INC.; RED
ROOF FRANCHISING, LLC;
RRI WEST MANAGEMENT,
LLC; FMW RRI NC, LLC,

Civil Action No.: 1:23-cv-02047-LMM

Defendants,

JANE DOE #1, JANE DOE #2, JANE
DOE #3, JANE DOE #4, W.K., E.H.,
M.M., R.P., M.B., D.P., A.F., C.A., R.K.,
K.P., T.H., H.B., and K.M.,

Nominal Defendants.

CONSENT MOTION TO FILE SECOND AMENDED COMPLAINT

Plaintiff Liberty Mutual Fire Insurance Company (“Plaintiff” or “Liberty Mutual”), with the consent of Defendants Red Roof Inns, Inc., Red Roof Franchising, LLC, RRI West Management LLC, RRI III, LLC, and FMW RRI NC, LLC (collectively, “Defendants”) and pursuant to Federal Rule of Civil Procedure 15(a)(2), respectfully requests that this Court permit it to file a Second Amended Complaint which addresses the recent factual developments described below and on bases substantially similar or identical to the bases which supported Liberty Mutual’s

previous Motion for Leave to Amend to File an Amended Complaint. In support of the relief requested, Liberty Mutual avers as follows:

1. Liberty Mutual filed a Motion for Leave to Amend to File an Amended Complaint on March 20, 2024. (Dkt. No. 69)

2. Through its Motion for Leave, Liberty Mutual sought to address material developments in seven underlying lawsuits (the “Underlying Lawsuits”) filed by seventeen individuals against the Defendants. (Dkt. 69-1 at 1.)

3. Among other developments, four of the Underlying Lawsuits settled. Liberty Mutual contributed certain amounts to such settlements. (Dkt. 69-1 at 2.)

4. This Court granted Liberty Mutual’s Motion for Leave by way of an Order dated August 22, 2024. (Dkt. 73)

5. In the time between the filing of Liberty Mutual’s Motion for Leave and this Court’s August 22, 2024 Order, one additional Underlying Lawsuit has settled.¹ Liberty Mutual also contributed certain amounts to this settlement.

6. Accordingly, Liberty Mutual seeks, with the consent of the Defendants, to file a Second Amended Complaint to address the recent settlement of the *W.K. Action*.

¹ See *W.K., et al. v. Red Roof Inns, Inc., et al.*, Case No. 1:20-CV-5263 (N.D. Ga.) (Dkt. 596) (the “*W.K. Action*”).

7. The bases for Liberty Mutual's additional claims are substantially similar or identical to the bases which formed the Motion for Leave granted on August 22, 2024.

8. Accordingly, Liberty Mutual respectfully requests that this Court grant its Consent Motion and permit it to file a Second Amended Complaint within two weeks of the date of this Order.

9. Should this Court grant the relief requested by this Consent Motion, the parties also respectfully request that the Defendants' September 5, 2024 deadline to respond to Liberty Mutual's First Amended Complaint be adjourned in light of the forthcoming Second Amended Complaint.

Respectfully submitted, this 4th day of September 2024.

/s/ Andrew Rosenzweig

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Attorneys for Defendants

CERTIFICATE OF COMPLIANCE

The undersigned counsel certifies that the foregoing has been prepared in Times New Roman (14 point) font, as required by the Court in Local Rule 5.1(B).

This 4th day of September 2024.

/s/ Andrew Rosenzweig

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CERTIFICATE OF SERVICE

This is to certify that I electronically filed the foregoing Consent Motion with the Clerk of the Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

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